

## REMARKS

### **Reconsideration And Allowance Are Respectfully Requested.**

In accordance with 37 C.F.R. 1.196(b) Applicant submits the present amendment with regard to the new grounds of rejection presented by the Board of Patent Appeals and Interferences on October 16, 2002. Particularly, and in accordance with Section 1, Applicant herein submits "an appropriate amendment of the claims so rejected or so showing facts relating to the claims so rejected, or both" so as to have "the matter reconsidered by the Examiner".

With this in mind, claims 1, 3, 7-10, 14 and 21-27 are currently pending. Claims 1 and 21 have been amended. Claims 28 and 29 have been canceled. No new matter has been added. Reconsideration is respectfully requested.

In particular, the Board has presented new grounds of rejection in which claims 1, 3, 7-10, 14 and 21-29 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,730,669 to Huang (Huang) in view of U.S. Patent No. 5,555,584 to Moore, III et al. (Moore). This rejection is respectfully traversed in view of the preceding amendments and the remarks which follow.

In particular, claim 1 has been amended so as to define a grip adapted for attachment to an implement including a handle. The grip includes a longitudinally extending tubular shell having an inner surface shaped and dimensioned for attachment to the handle of the implement. The tubular shell further includes an outer surface. In addition, the grip includes a viscoelastic hand surface having a thickness secured about the outer surface of the tubular shell. The viscoelastic hand surface is a viscous liquid material contained within an elastomeric bag. The tubular shell includes a

first end and second end. The tubular shell includes an outwardly extending first lip adjacent the first end of the tubular shell and an outwardly extending second lip adjacent the second end of the tubular shell. The first and second lips define a central section within which the viscoelastic hand surface is positioned. The viscoelastic hand surface has a thickness between approximately 1/16" and 1/4" and the central section has a depth as defined by the first and second lips which is substantially the same as the thickness of the viscoelastic hand surface such that the first and second lips retain the viscoelastic hand surface in position on the tubular shell. Claim 21 includes similar limitations and also stands rejected based upon the disclosures of Huang in view of Moore.

In contrast to the claimed invention, Huang discloses a hand grip constructed from a felt/polyurethane wrap which is positioned about a sleeve 60. As both the Examiner and the Board of Patent Appeals and Interferences have noted, Huang fails to disclose a handle grip having the claimed viscoelastic hand surface. The outstanding rejection attempts to remedy this deficiency by applying the teachings of Moore.

Moore specifically teaches the utilization of a gel type hand grip with tennis rackets, golf clubs, etc. However, the combination of these two references is not sufficient to meet the pending claims. In particular, Huang discloses that the grip should be constructed with a polyurethane layer of about 0.4 millimeters and a felt layer of about 0.9 millimeters. The pending claims define a viscoelastic hand surface having a thickness between approximately 1/16" (1.59 mm) and 1/4" (6.35mm). That is, at it's lowest end, the claims of the present application define a viscoelastic hand surface having a thickness of at least approximately 1.59 millimeters. This is substantially thicker than the 1.3 millimeter thickness offered by Huang. See Column 4, lines 61-65 of Huang. The application of a gripping surface having a thickness similar to that claimed in accordance with the present invention would be larger than the cap 62 and guide cylinder 64 as these members are

constructed so as to have a thickness commensurate with the 1.3 millimeter grip thickness disclosed by Huang. To increase the thickness of the grip member such as claimed in accordance with the present invention would result in a gripping surface extending beyond the cap and guide cylinder in an entirely undesirable manner. As such, the modification of Huang so as to include a thicker gripping surface to read upon the pending claims would be contrary to the teachings of Huang. ©

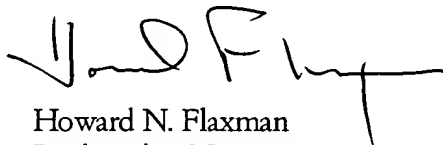
Further, and in consideration of the disclosure of Moore as teaching the obviousness of replacing the felt/polyurethane gripping surface of Huang with a gel surface as shown in Figure 6 and 7 of Moore, Moore discloses at Column 10, lines 61-63, that the gel material should be rolled such that it has a thickness of approximately 1/8" to 1/4". This thickness is substantially thicker than contemplated by Huang. Although it may be obvious to apply the grip of Moore to the handle disclosed by Huang, it would not also be obvious to increased the thickness of the cap 62 and cylinder 64 so as to accommodate the increase thickness of the grip disclosed by Moore. In fact, © neither Moore nor Huang teach the need for providing a cap 62 and a guide cylinder 64 which are commensurate in thickness with that of the gripping surface. As such, nothing in the prior art either discloses or suggests a grip having a viscoelastic hand surface with a thickness of between approximately 1/16" and 1/4" wherein the first and second lips are substantially the same size as the thickness of the viscoelastic hand surface such that the first and second lips retain the viscoelastic hand surface in position on the tubular shell.

With the foregoing in mind it is Applicant's opinion that amended claims 1 and 21 overcome the prior art of record and Applicant respectfully requests that the outstanding rejections be withdrawn. As to those claims dependent upon independent claims 1 and 21, they are believed to overcome the prior art of record for the reasons presented above.

Attached hereto is a marked up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version With Markings To Show Changes Made".

It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested. If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact applicants' representative at the below number.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Howard N. Flaxman", with a long horizontal stroke extending to the right.

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Amend claims 1 and 21 as follows:

1. (Amended) A grip adapted for attachment to an implement including a handle, comprising:  
a longitudinally extending tubular shell including an inner surface shaped and dimensioned for attachment to the handle of the implement and an outer surface; and  
a viscoelastic hand surface having a thickness secured about the outer surface of the tubular shell, wherein the viscoelastic hand surface is a viscous liquid material contained within an elastomeric bag; and wherein the tubular shell includes a first end and a second end, and the tubular shell includes an outwardly extending first lip adjacent the first end of the tubular shell and a outwardly extending second lip adjacent the second end of the tubular shell, the first and second lips defining a central section within which the viscoelastic hand surface is positioned, wherein the viscoelastic hand surface has a thickness between approximately 1/16" and 1/4" and the central section has a depth as defined by the first and second lips which is substantially the same as the thickness of the viscoelastic hand surface such that the first and second lips retain the viscoelastic hand surface in position on the tubular shell.

21. (Amended) A grip adapted for attachment to an implement including a handle, comprising:

a longitudinally extending tubular shell including an inner surface shaped and dimensioned for attachment to the handle of the implement and an outer surface; and

a viscoelastic hand surface having a thickness between approximately 1/16" and 1/4" secured about the outer surface of the tubular shell, wherein the viscoelastic hand surface is a viscous liquid material contained within an elastomeric bag; and wherein the tubular shell includes a first end and a second end, and the tubular shell includes an outwardly extending first lip adjacent the first end of the tubular shell and a outwardly extending second lip adjacent the second end of the tubular shell, the first and second lips being substantially the same size as the thickness of the viscoelastic hand surface such that the first and second lips are [being] shaped and dimensioned to retain the viscoelastic hand surface in position on the tubular shell.

Cancel claims 28 and 29 without prejudice.